DISPOSITION: May 17, 1945. A plea of nolo contendere having been entered, the court imposed a fine of $50 on each of 3 counts, a total fine of $150.

1557. Misbranding of Yuk-Air Compound. U. S. v. 239 Bottles and 198 Bottles of Yuk-Air Compound, and a quantity of printed matter. Default decrees of condemnation and destruction. (F. D. C. Nos. 11939, 12025. Sample Nos. 49064–F, 59721–F.)

LIBELS FILED: March 10 and 23, 1944, Southern District of Indiana and Western District of Michigan.

ALLEGED SHIPMENT: By the Universal Drug Products, Inc., from Cleveland, Ohio. A portion of the product and printed matter was shipped on or about February 8, 1944, and the remainder of the product and part of the printed matter were shipped on or about February 18, 1944, with the remainder of the printed matter being shipped on or about February 21, 1944.

PRODUCT: 239 various-sized bottles of *Yuk-Air Compound* and 2,000 circulars entitled "Yuk-Air Daily," at Indianapolis, Ind.; and 198 various-sized bottles of the same product and 150 circulars of the same title, together with one placard imprinted "Laboratory Lecture Genuine Australian Eucalyptus Oil Yuk-Air No Colds All Winter" and 3 placards entitled "Genuine Australian Eucalyptus Oil," at Muskegon, Mich. Analysis showed that a portion of the product was a yellow liquid containing Eucalyptus and turpentine oils, while the remainder of the product consisted of a clear, colorless liquid containing, essentially, turpentine oil.

NATURE OF CHARGE: Section 505, the article was a new drug which should not have been introduced into interstate commerce since no application filed pursuant to Section 505 of the law was effective with respect to the article.

Misbranding, Section 502 (j), the article would be dangerous to health when used in the dosage suggested in the statements in the labeling, "Eucalyptus Oil * * * used in * * * ear oils," and "It may be used safely on any part of the body," since, when used in the ears, the article would cause injury; Section 502 (f) (1), the labeling of a portion of the article did not bear adequate directions for use in all conditions for which use of the article was suggested in its labeling and as interpreted by representations orally made on behalf of the manufacturer, namely, for application into the ears; Section 502 (f) (2), the labeling bore no warnings against allowing the article to get into the eyes, ears, or onto the mucous membrane, nor against continued use of the article if excessive irritation developed, which warnings are necessary for the protection of users of products containing turpentine; and, Section 502 (e) (2), the label of the article failed to bear the common or usual name of each ingredient since the designation "Oil of Pinene," borne on the label, is not the common or usual name of spirits of turpentine.

Further misbranding, Section 502 (a), certain statements in the labeling were false and misleading since the article would not be safe for use on every part of the body; it could not be used and rubbed on freely without fear of irritation of any kind; it was not an efficacious treatment for stiff joints and sore muscles due to exposure; it was not appropriate for use generally as a massaging or rubbing oil, as represented and suggested by the labeling; and the article was not Australian oil or Eucalyptus oil, as was implied, but was composed largely of turpentine oil produced domestically.

DISPOSITION: May 1 and 5, 1944. No claimant having appeared, judgments of condemnation were entered and the product and printed matter were ordered destroyed.

DRUGS ACTIONABLE BECAUSE OF FAILURE TO BEAR ADEQUATE DIRECTIONS OR WARNING STATEMENTS*

1558. Misbranding of Interferin. Two indictments: U. S. v. Don Keefer. Pleas of not guilty. Tried to the court; verdict of guilty. Sentences of 1 year in jail on each indictment. (F. D. C. Nos. 17800, 17801. Sample Nos. 17228–H, 20045–H.)

INDICTMENTS RETURNED: May 11, 1945, Northern District of Illinois, against Don Keefer, Chicago, Ill.

ALLEGED SHIPMENT: On or about November 27, 1944, and April 6, 1945, from the State of Illinois into the States of Indiana and Nebraska.

*See also Nos. 1553, 1556, 1557.

NATURE OF CHARGE: Misbranding, Section 502 (b) (1), the article did not bear a label containing the name and place of business of the manufacturer, packer, or distributor; Section 502 (b) (2), it did not bear a label containing an accurate statement of the quantity of the contents in terms of weight, measure, or numerical count; and, Section 502 (f) (1), the article did not bear a label containing adequate directions for use.

DISPOSITION: June 21, 1945. Pleas of not guilty having been entered by the defendant, the cases came on for trial before the court, at the conclusion of which the defendant was found guilty and was sentenced to 1 year in jail on each indictment, the sentences to run concurrently with each other and with the sentence imposed in the case reported in notices of judgment on drugs and devices, No. 1552.

1559. Misbranding of Prescription 1–H–7, Tonic 1–X–1, Red Blood Purifier, and Prescription 1–VV–1. U. S. v. Sophia Strboya Sikoparija (Stanley's Drug Store). Plea of not guilty. Tried to a jury; verdict of guilty. Sentence of 6 months in jail suspended and defendant placed on probation for 5 years. (F. D. C. No. 12592. Sample Nos. 40450–F, 40451–F, 75362–F, 78664–F, 78665–F.)

INFORMATION FILED: October 17, 1944, Eastern District of Texas, against Sophia Strboya Sikoparija, trading as Stanley's Drug Store, Orange, Tex.

ALLEGED SHIPMENT: Between the approximate dates of January 5 and May 6, 1944, from the State of Texas into the States of Wisconsin, Pennsylvania, and Indiana.

PRODUCT: Analyses disclosed that the *Prescription 1–H–7* consisted essentially of extracts of plant drugs including laxative drugs and an alkaloid-bearing drug, sugar, alcohol, and water; that the *Tonic 1–X–1* consisted essentially of extracts of plant drugs including an alkaloid-bearing drug, sugar, alcohol, and water; that the *Red Blood Purifier* consisted essentially of a small proportion of potassium iodide and water, flavored with peppermint; and that the *Prescription 1–VV–1* consisted of sodium bicarbonate flavored with anise.

NATURE OF CHARGE: *Prescription 1–H–7*, misbranding, Section 502 (a), certain label statements were false and misleading since they represented and suggested that the article would be efficacious in the cure, mitigation, treatment, and prevention of headaches and dizziness, and that it possessed properties which would have a tonic effect upon the intestines, whereas the article would not be efficacious for the purposes claimed and did not possess the properties represented; Section 502 (e) (2), the label failed to bear the common or usual name of each active ingredient of the article; and, Section 502 (f) (2), the article was a laxative, and its labeling failed to warn that it should not be used when abdominal pain, nausea, vomiting, or other symptoms of appendicitis were present, and it also failed to warn that frequent or continued use of the article might result in dependence on laxatives to move the bowels.

Tonic 1–X–1, misbranding, Section 502 (a), certain label statements were false and misleading since they represented and suggested that the article would be efficacious as a tonic in run-down, pale, and weak conditions; that it was a strengthening tonic and stimulant; that it would be efficacious in the cure, mitigation, treatment, and prevention of nervous debility, exhausted and depressed conditions, and weakness; and that it would be of value to convalescent and aged persons. The article would not be efficacious for the purposes represented.

Red Blood Purifier, misbranding, Section 502 (a), certain label statements were false and misleading since they represented and suggested that the article would be efficacious in purifying the blood, and that it would be beneficial to persons afflicted with pimples, boils, skin eruptions, and liver spots, whereas the article would not be efficacious for such purposes; Section 502 (e) (2), the article failed to bear the common or usual name of each active ingredient; and, Section 502 (f) (2), the article contained potassium iodide, and its labeling failed to warn that it should not be used in cases of lung disease, chronic coughs, or goiter (thyroid disease), except upon the advice of a physician, and it also failed to warn that use of the article should be discontinued if a skin rash appeared.

Prescription 1–VV–1, misbranding, Section 502 (a), certain label statements were false and misleading since they represented and suggested that the article would be efficacious in the cure, mitigation, treatment, and prevention of chest colds, coughs, croup, influenza, grippe, flu, pain in the chest, difficult breathing, short, oppressed breathing, stitches in the sides, pain in the